

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

WP(C).No. 4666 of 2004(E)

PETITIONER:

M/S. SREEMATHY TEXTILES, REPRESENTED
BY P.V.G. KNNAN,
CENTRAL JUNCTION,
PATHANAMTHITTA.

BY ADV. SRI.BECHU KURIAN THOMAS

RESPONDENTS:

1. KERALA STATE ELECTRICITY BOARD,
VAIDYUTHI BHAVAN, THIRUVANANTHAPURAM, REPRESENTED
BY ITS SECRETARY.
2. ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL MAJOR SECTION, K.S.E.B.,
PATHANAMTHITTA.
3. DEPUTY CHIEF ENGINEER, APTS, K.S.E.B.,
THIRUVANANTHAPURAM.

BY ADV. SRI.P.SANTHALINGAM, SC, KSEB
SRI.C.K.KARUNAKARAN, SC FOR KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 29/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

W.P.(C) NO. 4666/2004

: 2 :

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE ELECTRICITY BILL DATED 22.04.2002 AND 28.06.2002.

EXT.P2: TRUE COPY OF THE MAHAZAR DATED 25.06.2002.

EXT.P3: TRUE COPY OF THE BILL DATED 27.06.2002 AND THE CALCULATION SHEET ATTACHED.

EXT.P3(a): TRUE COPY OF THE LETTER DATED 27.06.2002 NO. DB-15/2002-03.

EXT.P4: TRUE COPY OF THE ORDER DATED 10.09.2002 IN O.P. 19394/2002.

EXT.P5: TRUE COPY OF THE ORDER DATED 24.01.2004 NO. APTS/AV/311/02TV M/211 BY THE 3RD RESPONDENT.

/True Copy/

P.A to Judge.

KURIAN JOSEPH , J

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W.P.(C) NO. 4666 OF 2004

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Dated this the 29th day of June, 2007.

JUDGMENT

The writ petition is filed mainly with the following prayer:

issue a writ of certiorari or other appropriate writ order or direction quashing Ext.P3 and P5.

2. As far as penalty for unauthorised connected load is concerned, it is now settled law in view of the Bench decision of this Court in W.A No.1231/2003 that the penalty has to be limited to the fixed charge portion. It is held that there shall not be any penalty by way of proportionate energy charges. The impugned demands are quashed making it clear that the liability of the petitioner shall only be for the penalty for fixed charge portion. The revised demand shall be issued to the petitioner and the amounts already remitted by the petitioner shall be adjusted.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

